

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4-21-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Restricted Development Preliminary Plan #03-04 by Rochester Sand & Gravel Division of Mathy Construction. The applicant is requesting approval to establish a hot mix asphalt facility on property located east of TH 63, south of 60 th St. South and northeasterly of "Machinery Hill", within the Quarve Quarry pit. The applicant is requesting waiver of the Final Plan review.		PREPARED BY: Mitzi A. Baker, Senior Planner

April 16, 2003

NOTE: Applicant's Report sent to the Council separately.

City Planning and Zoning Commission Recommendation:

On March 26, 2003 the City Planning and Zoning Commission considered this request. Mr. Staver moved to recommend approval of Type III, Phase II Restricted Development #03-04 with the staff-recommended findings and conditions. Mr. Burke seconded the motion. The motion carried 5-2, with Mr. Quinn and Ms. Petersson voting nay.

Conditions:

1. A right turn lane and bypass lane will be required from CSAH 20, as required by Olmsted County Public Works.
2. Import of materials for processing be limited only to that necessary for the hot mix asphalt facility.
3. A grading and drainage plan shall be provided to Rochester Public Works and approved for paving the primary access road, constructing the sedimentation basin, and related grading necessary to provide positive drainage to the sedimentation basin.

Planning Staff Recommendation:

See attached staff report dated March 20, 2003.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based upon the criteria included in the staff report.
2. The applicant request waiver of Final Plan per Section 60.532, 6 of the LDM. Staff recommends approval to waive Final Plan. Information being considered is sufficient to demonstrate compliance with applicable regulations and will not interfere with the purpose and intent of the Ordinance.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

SOUTHERN
RIDGE DR SW
SOUTHERN
PINE LN SW

SOUTHWOOD
DR SW

ST BRID

100

T HWY 63

CONWAY CT SE

QUARVE ROAD SE

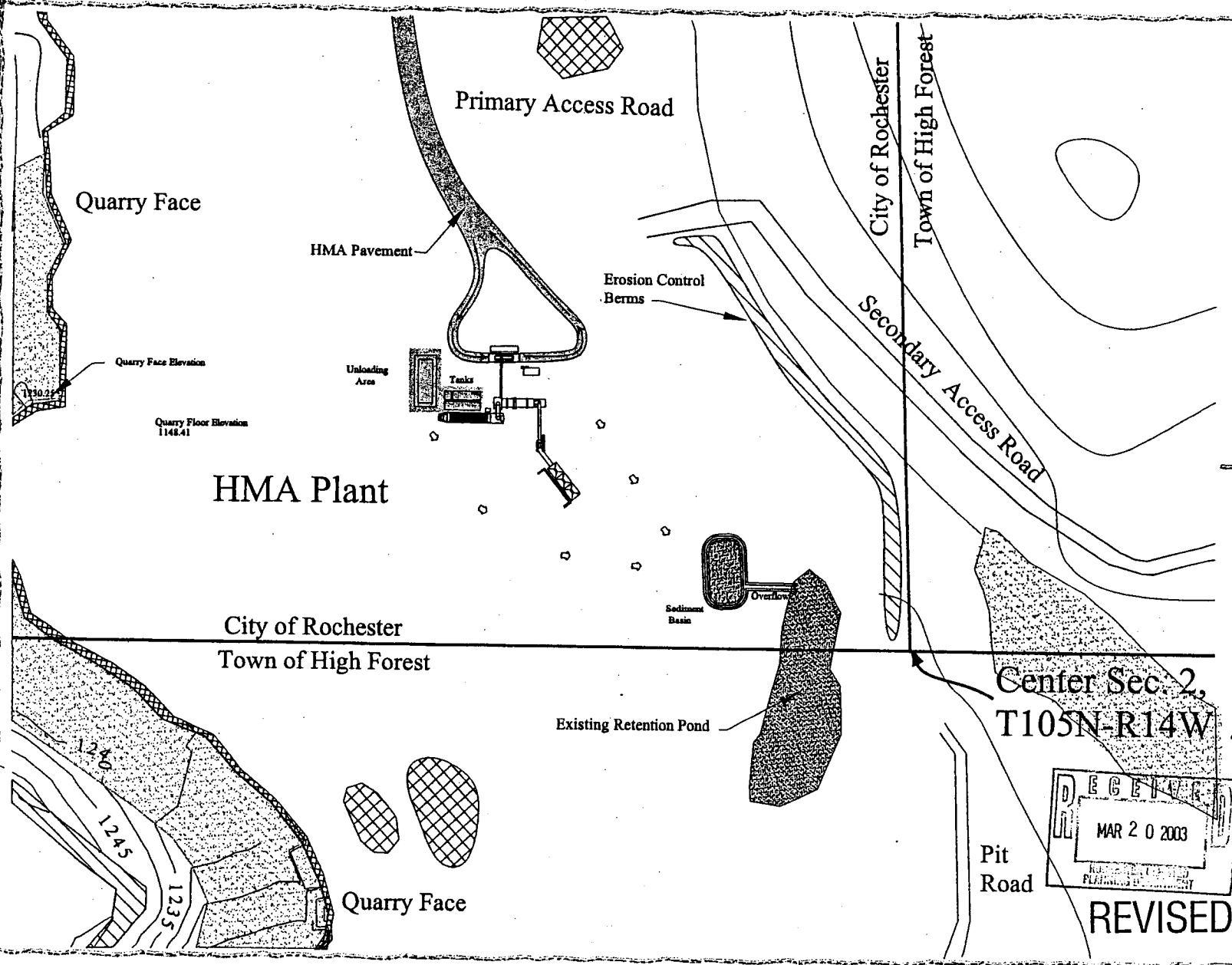
CUP #03-04
Rochester Sand & Gravel
700' Notification Distance
Ward 1 Hanson
03/14/03

60 ST SW

POINTE CT SW

STONE BROOK
LN SW
SOUTH POINTE
LN SW
POINTE VIEW LN SW
POINTE CT SW
DR SW
PEBBLE
LN SW
CENARIO LN SW
TUMN WOODS
CIR SW
WOODBINE ST SE

ST BRIDGETS RD SE

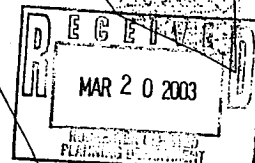


- LEGEND**
- PAVED AND GRAVEL ROADS
 - LAKE/POND
 - RIVER/STREAM
 - DRAINAGE CHANNEL (INTERMITTENT)
 - DUMP
 - INDEX CONTOUR
 - INTERMEDIATE CONTOUR
 - DEPRESSION CONTOUR
 - SPOT ELEVATION
 - PROPERTY LINE
 - FENCE
 - POWER LINE
 - MINING LIMIT BOUNDARY
 - BUILDING ROOFLINE
 - TREE
 - TREE COVER
 - EROSION CONTROL BERMS
 - DECLINED SLOPES
 - QUARRY OR PIT FACE
 - MATERIAL STOCKPILES
 - STRIPPED AREA
 - DIRECTION OF MINING
 - TRAFFIC FLOW DIRECTION

Topographic data obtained from USGS 7.5 Min Quad Maps.
 Contour Intervals 10 Feet
 Section 2, T105N-R14W
 High Forest Township
 Olmsted County, Minnesota



Mathy Construction is Committed to Protecting Our Environment and Natural Resources



REVISED

South 63 Quarry	
ROCHESTER SAND & GRAVEL	Project ID #
Division of Mathy Construction Company	4915-17-02 KCM
618 Main Avenue North, Orono, WI 54651	Drawn By
	KMB 4/13/02
HMA Site Layout	Drawing No. 2

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March 22, 2003

Good afternoon Mitzi,

I am the Facility Director for the Ziegler Caterpillar Dealership that's located directly west of the propose hot mix asphalt plant. Rochester Sand And Gravel sent out a list of things that they were doing to keep the proposed asphalt plant running as clean and quiet as possible. The proposed asphalt plant would be set up on the floor of the current pit. I believe most of neighbors cannot see the proposed plant. Another good thing is the noise should be reflected straight up due to the low floor in the pit. As long as Rochester Sand And Gravel follows Local and State regulations we are in favor of their proposed project.

Other Factors to consider.

- * Rochester Sand And Gravel follows M.P.C.A. rules and regulations.
- * The Quarve Anderson / Rochester S & G pit has been there for 25 plus years.
- * Anyone who lives in the new development to the west and has either asphalt or concrete needs to understand it comes from a mix plant.
- * The site is ideal due to its blocked to most of the neighbors
- * I lived in the Rochester area and managed the Ziegler business from 1985-1990.
- * Prevailing summer winds usually come from the south,southwest,northwest,or the north....

Thanks for hearing our comments on this proposal.....

Dave Rischmiller
Director of Facilities, Ziegler Inc.

City Planning & Zoning Commission
We are definitely opposed to approval of a
Hot mix asphalt facility within the Quarry
Quarry Pit South 63 for the following reasons:
1.) Health - I have lung condition & asthma
Air pollution - odors, dust, etc. Very harmful.

2.) Traffic entrance of numerous trucks & exit
on Highway 63 would be a traffic mess!
Speed limit is 65, but vehicles go 75+80.
South Pointe development has generated more
traffic on 60th St, with the above moving
trucks, entering & exiting 63 a bottle neck &
you see many accidents.

3.) We have our own Septic & well with more
bleeding needed - another big concern.
4.) Property value would go down! Location far
to close to residential property.

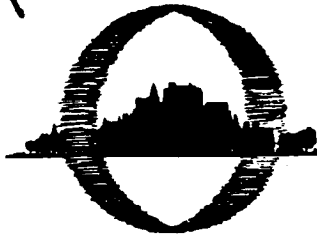
5.) Operating hrs. (noise 5 A.M. to dusk 5 to
possible 6 days a week May-Nov.)

The plant should remain at the location it
is at now! 48th overpass would be an
ideal exit & entrance for all the extra
trucks hauling.

Highway 63 once was supposed to be the
"Motorway to Rochester" how could that not
my asphalt facility fit in??
We urge each of you to give this your
utmost attention before allowing this to happen!

Thank you!
Margo & Bill Pletad
10560th St. S.W.
Rochester, Minn. 55903

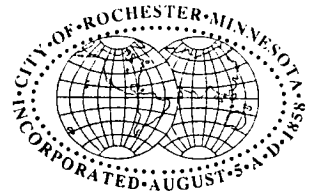
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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: City Planning & Zoning Commission

FROM: Mitzi A. Baker, Planner

DATE: March 20, 2003

RE: Restricted Development Preliminary Plan #03-04 by Rochester Sand & Gravel Division of Mathy Construction. The applicant is requesting approval to establish a hot mix asphalt facility on property located east of TH 63, south of 60th St. South and northeasterly of "Machinery Hill", within the Quarve Quarry pit. The applicant is requesting waiver of the Final Plan review.

Planning Department Review

Applicant: Rochester Sand & Gravel, Div. Of Mathy Construction Co.
4105 E. River Road NE
Rochester, MN. 55906

Property Location: South of 60th St. S. and east of T.H. 63 S. The property address is 5850 Highway 63 South, Rochester, MN 55904.

Zoning: The property is zoned R-1 (Mixed Commercial-Industrial).

Attachments: LDM Excerpts
Referral Comments
Narrative Report (full report to Commission members, abbreviated version to others)

EXPLANATION OF APPLICATION AND REVIEW PROCEDURES:

The applicant is proposing to locate a hot mix asphalt (HMA) plant on property located east of TH 63 S., west of St. Bridget Road/CR 20 and south of 60th St. S. The property is the site of an active quarry which is in the Lloyd Quarve Estate. Rochester Sand & Gravel, Division of Mathy Construction Co., has a lease agreement for the South 63 Quarry and will be the permit holder and operator of the HMA plant. Owners representatives have signed the application. The Quarry property extends over several jurisdictions, including the City of Rochester, High Forest Township and Rochester Township. The portion of the proposed for the HMA plant site is in the City of Rochester and therefore subject to the Rochester Zoning Ordinance and Land Development Manual. Due to some confusion with city limit boundaries in this vicinity, an application was originally submitted to High Forest Township for the HMA plant site.

Rochester Sand & Gravel, Division of Mathy Construction Co., currently operates a HMA plant at a site approximately 2 miles northeast of the proposed South 63 Quarry site. The current plant is proposed to be disassembled and relocated to the South 63 Quarry in 2003. Depletion of quality aggregate reserves at the current HMA plant site is driving the need to relocate to the South 63 Quarry, which contains an abundant long

BUILDING CODE 507/285-8213 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



term source of quality aggregate material necessary in the production of the HMA material. Since the plant is proposed to be re-located from a site that currently uses this general segment of TH 63 for primary travel, there should not be an increase of truck traffic on TH 63 as a result of this petition. Instead, there would be a shift in truck traffic which is currently using the 48th St. or St. Bridget Road intersection with TH 63 to access TH 63 so that the ingress/egress to the Trunk Highway is at the South 63 Quarry/East Frontage road intersection instead.

Primary access to the HMA plant is proposed to TH 63 at an existing access. This access road will be paved. A secondary access road exists to CR 20/St. Bridget Road.

A layout of the proposed HMA plant is included in the attached materials provided by the applicant (Drawing #2). Detailed explanation of the plan, equipment, regulatory controls and monitoring is also included.

This site does offer some unique opportunities for buffering and screening. The height of silo equipment to be added to the site is approximately 70 feet. The height of the quarry wall directly west of the proposed site is approximately 100 feet. To the north of the HMA site, the quarry wall drops to approximately 70 feet. Additionally, an existing row of mature evergreen trees exists along a portion of the west property boundary, between the north TH 63 entrance (across from the 60th St. intersection with TH 63) and Machinery Hill. The applicant is also proposing to extend an earthen berm to the north TH 63 entrance to provide additional screening from limited views between the existing evergreens. Visibility from the west is expected to be very limited. Due to topography and design of the quarry it appears the HMA site would be most visible from the east (i.e. east of St. Bridget Road/CR 20).

Staff has been informed that an odor mask will be used in the hot mix to neutralize or reduce odors from the plant. Additionally, little if any noise is generated from the plant itself.

Establishing a HMA plant site will include the following:

- Addition of traffic, from this site, could be approximately 10 trucks/hour;
- Proposed hours of operation are 5:30 a.m. to 9:00 p.m. Monday – Friday, and 5:30 a.m. to 6:00 p.m. as needed;
- Import of materials originating OFF-SITE, as needed for producing and processing the bituminous;
- Paving of primary haul road;
- Re-grading a portion of the site to direct stormwater flows to a sedimentation basin (also new) for water quality treatment;
- Three full-time employees for the operation of the HMA plant;
- Main components of the Plant are the drum-dryer, silo, baghouse, tanks (liquid asphalt cement, burner fuel and diesel fuel) and control house (see Drawing #2);
- Paved spill containment barrier to be installed beneath tanks to prevent contact between the product and the ground.

Please note that the Planning Department is not aware of any Conditional Use Permits issued by the City or County for operation of the current quarry. The quarry was established many years ago and is considered a grandfathered use. The proposal to establish a HMA plant at the site is a separate use of the property, which is being proposed through the Restricted Development Conditional Use Permit process.

EXPLANATION OF APPLICATION AND REVIEW PROCEDURE:

The Restricted Development allows certain mixtures of land uses which are not allowed within a given zoning district on a permitted or conditional basis can, if regulated, serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standard zoning regulations. The regulations of this article recognize and provide encouragement for innovation and experimentation in the development of land that would otherwise not be possible under the zoning district regulations established by this ordinance.

CRITERIA & ANALYSIS:

Sections 62.706 and 62.708 (1) of the Zoning Ordinance set forth the standards upon which a Restricted Development Preliminary Plan is to be evaluated. The Council shall approve a preliminary plan if it finds that the development has addressed and satisfied all of the applicable criteria, or that a practical solution consistent with the public interest can be incorporated into the final plan. Please see the attached excerpt from the Rochester Zoning Ordinance and Land Development Manual for the applicable criteria.

The staff suggests the following findings for each of the 11 criteria on which the Preliminary Development Plan is to be evaluated:

- a) **Capacity of Public Facilities:** *The proposed hot mix asphalt (HMA) facility will not result in a need for sanitary sewer or water facilities on-site. Electrical power, needed for the facility, exists. Olmsted County Public Works will require the applicant to construct a right-turn and by-pass lane on St. Bridget Road/CR 20.*
- b) **Geologic Hazards:** *There are no known geologic hazards on the property.*
- c) **Natural Features:** *The HMA site is proposed to be located on the existing quarry floor. There are no unique natural features on the property that have been identified.*
- d) **Residential Traffic Report:** *Access to this property will be primarily from the north TH 63 quarry access. This access utilizes the existing frontage road access which is across from the 60th St. SW access on TH 63. The frontage road also has a south access. Secondary access to the property would be from the east side of the Quarry, at St. Bridget Road/CR 20. There should be no impact to residential roadways as a result of this application.*
- e) **Traffic Generation Impact:** *Olmsted County Public Works will require the applicant to construct a right-turn and by-pass lane on St. Bridget Road/CR 20. At this time, no other road authority has indicated a concern that anticipated traffic would cause the capacity of the adjacent streets to be exceeded.*
- f) **Height Impacts:** *This site does offer some unique opportunities for buffering and screening. The height of silo equipment to be added to the site is approximately 70 feet. The height of the quarry wall directly west of the proposed site is approximately 100 feet. To the north of the HMA site, the quarry wall drops to approximately 70 feet. Additionally, an existing row of mature evergreen trees exists along a portion of the west property boundary, between the north TH 63 entrance (across from the 60th St. intersection with TH 63) and Machinery Hill. The applicant is also proposing to extend an earthen berm to the north TH 63 entrance to provide additional screening from limited views between the existing evergreens. Visibility from the west is expected to be very limited. Due to topography and design of the quarry it appears the HMA site would be most visible from the east (i.e. east of St. Bridget Road/CR 20).*
- g) **Setbacks:** *The proposed HMA plant site is more than 1,000 feet from the west property boundary. Setbacks from the north, west and south property boundaries would be more than ¼ mile.*
- h) **Internal Site Design:** *A layout of the proposed HMA plant is included in Drawing #2. From the HMA site, access will be available either to the east to St. Bridget Road/CR 20 or to the TH 63 accesses to the Quarry. The primary access is planned to be the north TH 63 access, which is located at the intersection of TH 63 and the 60th St. SW and east Frontage Road.*
- i) **Screening and Buffering:** *This site does offer some unique opportunities for buffering and screening. The height of silo equipment to be added to the site is approximately 70 feet. The height of the quarry wall directly west of the proposed site is approximately 100 feet. To the north of the HMA site, the quarry wall drops to approximately 70 feet. Additionally, an existing row of mature evergreen trees exists along a portion of the west property boundary, between the north TH 63 entrance (across from the*

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60th St. intersection with TH 63) and Machinery Hill. The applicant is also proposing to extend an earthen berm to the north TH 63 entrance to provide additional screening from limited views between the existing evergreens. Visibility from the west is expected to be very limited. Due to topography and design of the quarry it appears the HMA site would be most visible from the east (i.e. east of St. Bridget Road/CR 20).

- j) **Ordinance Requirements:** *There should be adequate room on-site for employee parking and internal circulation of truck traffic. This use will be subject to meeting the Industrial Performance Standards of the Rochester Zoning Ordinance and Land Development Manual (Sec. 63.600 et. seq.).*
- k) **General Compatibility:** *This site does offer some unique opportunities for buffering and screening. The height of silo equipment to be added to the site is approximately 70 feet. The height of the quarry wall directly west of the proposed site is approximately 100 feet. To the north of the HMA site, the quarry wall drops to approximately 70 feet. Additionally, an existing row of mature evergreen trees exists along a portion of the west property boundary, between the north TH 63 entrance (across from the 60th St. intersection with TH 63) and Machinery Hill. The applicant is also proposing to extend an earthen berm to the north TH 63 entrance to provide additional screening from limited views between the existing evergreens. Visibility from the west is expected to be very limited. Due to topography and design of the quarry it appears the HMA site would be most visible from the east (i.e. east of St. Bridget Road/CR 20). This applicant is proposing to use an odor mask in the mix to neutralize and minimize odor from the plant. Additionally, this use will be subject to meeting the Industrial Performance Standards of the Rochester Zoning Ordinance and Land Development Manual (Sec. 63.600 et. seq.). It has been the experience of the Rochester-Olmsted Planning Department that existing hot mix asphalt facilities in the County have not generated a history of complaints related to noise, odor or dust.*

In addition, this application is subject to the criteria for all conditional use permits, as identified in Section 61.146. As identified in 61.146, the zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the findings with respect to the proposed development is made as identified in 61.146 (see attached).

STAFF RECOMMENDATION:

Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon staff review and the analysis included above, staff recommended approval of this application. If the Commission and City Council wishes to approved this application, staff would recommend approval be subject to the following conditions or modifications:

1. ***A right turn lane and bypass lane will be required from CSAH 20, as required by Olmsted County Public Works.***
2. ***Import of materials for processing be limited only to that necessary for the hot mix asphalt facility.***
3. ***A grading and drainage plan shall be provided to Rochester Public Works and approved for paving the primary access road, constructing the sedimentation basin, and related grading necessary to provide positive drainage to the sedimentation basin.***

Waiver of Final Plan Review: The applicant has requested that the City Council waive the Final Plan Review phase for this application. Staff does recommend in favor of waiving the Final Plan Review for this project.

Note: The applicant is responsible for securing permits or approvals required by any other regulatory agency prior to operating the HMA plant as proposed.

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STANDARDS FOR EVALUATING THIS PROPOSAL:

Multiple standards apply to evaluating this application. The following sections of the LDM apply to the review of this application:

- 61.145 **Matters Under Consideration:** The review of a conditional use is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.
- 61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
- 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
 - 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
 - 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
 - 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
 - 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
 - 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 61.147 **Conditions on Approval:** In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.

RESTRICTED DEVELOPMENT:

- 62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708(1), or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.
- 62.707 **Standards for Approval, Final Development Plan:** The Council shall grant final approval to a Type III Restricted Development if it finds that, in addition to satisfying the Preliminary Development Plan Standards for Approval listed in the preceding paragraph, the development has satisfied all the applicable criteria listed in Paragraph 62.708(2) or a modification for any unmet criteria has been granted as provided for in Paragraph 62.712.
- 62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

1) Preliminary Development Plan Criteria:

- a) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
- b) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
- c) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
- d) **Residential Traffic Impact:** When located in a residential area, the proposed development:
 - 1) Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2) Will not generate frequent truck traffic on local residential streets;
 - 3) Will not create additional traffic during evening and nighttime hours on local residential streets;
- e) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
- f) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:
 - 1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;

- 2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
- g) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- h) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- i) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- j) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
- k) **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.

2) Final Development Plan Criteria:

- a) **Public Facility Design:** The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.
- b) **Geologic Hazard:** Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.
- c) **Access Effect:** Ingress and egress points have been designed and located so as to:
- 1) Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized;
 - 2) Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

- d) **Pedestrian Circulation:** The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and

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activities within the neighborhood area, and, where appropriate, accommodations for transit access are provided.

- e) **Foundation and Site Plantings:** A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.
- f) **Site Status:** Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.
- g) **Screening and Bufferyards:** The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the needs identified in Phase I for the project.
- h) **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.
- i) **Internal Circulation Areas:** Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.
- j) **Ordinance Requirements:** The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.

62.712 **Modifications:** The Council may waive the need to satisfy certain approval criteria during the Type III review if it finds:

- 1) The applicant has demonstrated that the plan as submitted adequately compensates for failing to address the criterion in question.
- 2) The strict application of any provision would result in exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, provided the modification may be granted without substantial detriment to the public good and without substantially impairing the purposes of this ordinance or the policies of the Land Use Plan.

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PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

February 25, 2003

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Restricted Development Preliminary Plan #03-04 and has the following comment:

- ***Right turn lane and bypass lane will be required from CSAH 20.***

Sincerely,

Michael Sheehan
County Engineer

MTS/ts



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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Restricted Development Prel. Plat #03-04 - Mathy Construction

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☒ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

**Minnesota Department of Transportation****Minnesota Department of Transportation - District 6**

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

March 11, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE - Suite 100
Rochester, MN 55904

RE: Restricted Development Preliminary Plan #03-04 by Rochester Sand & Gravel Division of Mathy Construction. The applicant is requesting approval to establish a hot mix asphalt facility on property located east of US Highway 63, South and northeasterly of "Machine Hill", within the Quarve Quarry pit. The applicant is requesting waiver of the Final Plan review.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) Planning Office and Right of Way Office has reviewed the proposed hot mix asphalt facility on property located east of US Highway 63. This proposal appears to be within their property limits and is acceptable with Mn/DOT.

Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script that reads "Dale E. Maul".

Dale E. Maul
Planning Director



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: March 14, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Restricted Development Preliminary Plan 03-04 by Rochester Sand & Gravel Division of Mathy Construction for a hot mix asphalt facility.

With regard to the above noted project plan, the fire department has the following requirements:

1. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
2. All subsequent construction must be in accordance with the Building and Fire Codes including all required permits

c: Donn Richardson, RPU, Water Division
Rochester Sand & Gravel – Division of Mathy Construction Co. – 4105 East River RD NE –
Rochester, MN 55906

adjacent to the Exception Area, illustrated as Outlot "A" & Outlot "B". Prior to recording the Final Plat Documents, an access easement must be recorded across Outlots "A" or "B" to provide perpetual access to the exception parcel to the south. The Final Plat Documents shall be revised to identify the easement and document number on the face of the Plat.

8. The roadways illustrated as "Red Oak Place SW" and "Christy Lane SW" is indicated as less than 36 feet and shall be posted "No Parking" along one side of each roadway.
9. Based on the projected level of turning traffic, a southbound right turn lane shall be provided at the intersection of 18th Avenue SW and Fieldstone Drive SW.

The Commission took a five-minute break.

* Restricted Development Preliminary Plan #03-04 by Rochester Sand & Gravel Division of Mathy Construction. The applicant is requesting approval to establish a hot mix asphalt facility on property located east of TH 63, south of 60th St. South and northeasterly of "Machinery Hill", within the Quarve Quarry pit. The applicant is requesting waiver of the Final Plan review.

Mr. Brent Svenby presented the staff report, dated March 20, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that the staff report made reference to an incorrect zoning district. He stated that it was zoned R-1 (Mixed Single Family District).

Mr. Svenby corrected the hours of operation listed in the staff report to state: "Proposed hours of operation are 5:30 a.m. to 9:00 p.m. Monday-Friday, and 5:30 a.m. to 6:00 p.m. on Saturdays as needed."

Mr. Svenby stated that the applicant submitted a letter to the Rochester-Olmsted Planning Department stating that they would pave the roadway, which is considered the secondary access, due to discussions with neighbors east of the property. He explained that the roadway is outside the City's jurisdiction.

Mr. Svenby stated that findings for setbacks in Section 62.706 g) should state, "The proposed HMA plant is approximately 800 to 900 feet on the west property boundary. The setbacks from the northwest and south property boundary would be more than ¼ mile."

The applicant's representative, Pat Peterson who manages the day-to-day operations, addressed the Commission. The business resides at 4105 East River Road NE, Rochester MN. He gave a PowerPoint presentation that discussed and showed the following:

- His history and experience with the business
- Location map of the primary entrance to the quarry and what other developments were located around the quarry
- The closest neighbor is ¼ mile away
- Current zoning map and showed where the proposed site would be located on the existing the quarry

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- Municipalities map
- Showed the hot mix asphalt site – he stated that they would pave the secondary access road to help the east side residents
- There is an existing retention pond on the quarry – a sedimentation pond would be added
- Showed the traffic patterns – primary access point would be highway 63 across from 60th Street
- Showed current truck traffic patterns
- Showed the secondary access road from the east – they would install a northerly bypass lane and southern right turn lane for safety purposed on County Road 20, as well as paving it
- Explained how a hot mix asphalt plant works
- Screening from the neighborhood residences
- They had a groundwater study done on the site by Mr. Dr. John Tinker and explained the results. This report has been given to the Rochester-Olmsted Planning Department.
- They obtained sound level readings and showed a plotting of the readings which had a Mean 74.0 dBA (noise from the Highway)

Ms. Petersson asked how long the plant would be in operation.

Mr. Peterson responded that it would be long-term.

Mr. Burke asked if they have received any complaints regarding noise and dust at their present site.

Mr. Petersson responded not at their north location. He explained that Elcor uses the site.

Discussion ensued regarding the plant being a commercial plant and the hours of operation.

Mr. Gerald Reinke, Chemist and Technical Director for Mathy Construction, addressed the Commission. He explained that the odor varies, but it generally smelled like cherry or vanilla-cherry. He explained how the odor would be suppressed. He discussed a study by Auburn University and indicated that the odor would not be eliminated 100 percent.

Ms. Wiesner asked if the filters helped the smell.

Mr. Reinke stated that the cherry vanilla would be above and beyond the filters.

Ms. Wiesner asked how often the filters were changed.

Mr. Peterson responded that the bags are checked annually (once a year unless they see abnormal dust). He explained how they are checked and stated that they should last 3 to 5 years.

Ms. Wiesner asked if they would always have cherry vanilla odor.

Mr. Peterson responded yes.

Discussion ensued regarding two trees being taken down at the entrance into the site with regard to visibility problems.

Ms. Petersson asked what dust control measures occur on the quarry.

Mr. Peterson responded water.

Ms. Petersson asked if the interchange by the airport would be used.

Mr. Peterson responded that they do not have access to the quarry at that intersection.

Discussion ensued regarding the reasons for waiving the final plan.

Mr. Petersson stated that they only have one site plan and it is a small area.

Mr. James Cardinal, of 5925 Highway 63 South, Rochester MN, addressed the Commission. He explained that his property was located across from the quarry. He expressed concern about:

- Noise level being over and beyond noise from present traffic
- Higher population density, with more people moving into development
- Carcinogens from low temperature asphalt causing cancer
- Health concerns for the elderly people and children living nearby that have lived there years and that already have respiratory problems
- Increased blasting on site with regard to frequency, noise, and dust
- Truck speed on the roadway
- Decrease in home value

Ms. Wiesner explained that the quarry is grandfathered in and that the Commission could not act on the quarry itself, but the proposed HMA plant to be located on the quarry.

Discussion ensued regarding the noise level when Highway 63 is changed.

Mr. Bob Twohey, who lives across from the quarry, addressed the Commission. He stated that he represented Tom and Kathy Mulvihill (his neighbors). He expressed concern with regard to:

- Current and future dust problems
- Property values
- Noise from burners
- Increase of traffic by 15 percent
- Hours of operation, since construction work is done between 7 a.m. to 10 p.m. (instead of 5:30 a.m. as stated in the staff report)
- Trucks stopping at stop signs and accelerating at a proper speed on the roadway

Mr. Twohey stated that the plant should stay located at their present site, until they can prove they can control the dust and noise. He stated that they would like to monitor the plant at their current site to see how much noise and dust it creates there.

Ms. Wiesner asked if he wanted the applicant to extend the time from 9:00 p.m. to 10:00 p.m.

Mr. Twohey responded no, but to begin in the morning at 7:00 a.m. instead of 5:30 a.m.

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Ms. Marnet Mestad, of 105 60th Street SW, Rochester MN, addressed the Commission. She stated that she lived across from the site. She stated that she has respiratory problems and that she was unsure if she could even handle the cherry vanilla smell. She stated that the site should stay where located, as there are no residential properties surrounding it. She expressed concern that not everyone in the area received notifications of the meeting. She indicated that a family just moved into the area, which knew nothing of the proposed plant. She indicated that they had a child with asthma. She also expressed concern with additional blasting and speeding traffic. She expressed concern with problems with septic and wells.

Mr. Gary Ellefson, of 6341 Southpont Drive, Rochester MN, addressed the Commission. He expressed concern with the odor and possible depreciation of property values.

Mr. James Cardinal, of 5925 Highway 63 South, Rochester MN, addressed the Commission. He stated that he understood that the quarry and blasting was grandfathered, but believes that the plant is taking advantage of a large quantity of rock. The functionality of the quarry will not be the same as when grandfathered in.

Mr. Rick Lien, of 2402 4th Street SW, Rochester MN, addressed the Commission. He stated that he was the owner of Cycle City. He questioned if anyone wanted to live next to an asphalt plant (several people from the audience raised their hands). He indicated that the north plant did not receive any complaints since there were no residential homes next to it. He discussed the limited highway access and the possibility of the plant having to close due to that.

Mr. Rich Merkley, 6010 11th Avenue SW, Rochester MN, addressed the Commission. He stated that there were standards for evaluating the proposal. He stated that, with regard to those standards, the Commission had the ability to deny the request based on it not being compatible to the neighborhood. He explained that it would be detrimental to the neighborhood and for services.

Discussion ensued regarding the elevation of the plant.

Ms. Wiesner asked what the decibel level of the plant would be, if nothing else were going on.

Mr. Peterson responded that it varies. However, it would be within the provisions.

Mr. Keith Mathison, of Mathy Construction, addressed the Commission. He stated that the sound levels in the immediate area of the asphalt plant would range from 70 to 80 decibels. He explained that, as the sound gets to the residents to the east, the sound would drop down to 40 and 50 decibels. He explained that a berm would be constructed to drop the sound level down even more. He indicated that the sound going west would not get beyond the quarry face.

Ms. Wiesner summarized that the sound levels would fall within the amount allowed by the Ordinance.

Mr. Mathison responded yes.

Mr. Burke asked what a 50 to 60 decibel noise would sound like.

Mr. Mathison responded that a standard conversation would be 60 to 65 decibels.

Ms. Wiesner asked if a muffler would be put on the burner.

Mr. Pat Peterson responded yes. He stated that it would reduce the noise of the current asphalt burner.

Discussion ensued regarding the hours of operation and the time of year for service.

Mr. Gerald Reinke, Chemist and Technical Director for Mathy Construction, addressed the Commission. He stated that studies have shown that the materials that workers are exposed to are not carcinogenic. He gave extensive documentation of studies done that show this.

Mr. Reinke stated that a study was done monitoring workers four times a day for a reduction in lung capacity. It was found that there was no reduced lung function.

Ms. Wiesner asked how often the quarry currently blasts and how often they would need to blast if the asphalt plant were approved.

Mr. Peterson responded that they blast approximately 10 to 15 times a year, so that they do not have huge blasts but smaller ones.

Ms. Wiesner asked if the blast is completed in one day.

Mr. Peterson responded that they could blast once a day for a period of three days.

Ms. Wiesner asked if it was uncommon to blast more than once a day.

Mr. Peterson responded that they could, due to pre-drilling segments to control the severity of blasting.

Mr. Peterson stated that, historically, asphalt plants tend to follow quarries as they act as a natural buffer.

Mr. Peterson stated that the secondary access would be paved, regardless of whether or not the asphalt plant is approved.

Mr. Peterson stated that MnDOT reviewed the request and felt that it was acceptable with regard to the highway.

Mr. Peterson discussed problems with trucks getting onto roadways with stop signs. He discussed the disciplinary actions for not stopping at stop signs for their staff.

Mr. Burke asked how the proposed plant compares to the plant on East River Road.

Mr. Peterson responded that it would be a commercial plant. The size is 2/3 of the capacity of plant on East River Road. There is a difference of approximately 5,000 tons to 1,500 tons at a high.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

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Ms. Petersson stated that they would not let an existing subdivision impact a new subdivision. She stated that she would feel better if she could observe a plant in operation before acting on the request.

Mr. Haeussinger explained the need for asphalt. The quarry has been in operation over 30 years and stated that the quality of rock gets depleted. If asphalt plants move further away, the cost gets passed onto consumers. It would also increase traffic problems with further hauling. He explained that it was a difficult and sensitive issue.

Mr. Staver stated that there is always an issue when there is an existing infrastructure. He stated that he did not hear any technical evidence to deny the request, other than it is distasteful for neighboring properties.

Mr. Staver moved to recommend approval of Restricted Development Preliminary Plan #03-04 by Rochester Sand & Gravel Division of Mathy Construction based on the staff-recommended findings and conditions. Mr. Burke seconded the motion.

Mr. Burke stated that he understands that an asphalt plant is an inconvenience to neighboring properties, but it makes sense to place it in a location that is virtually a hole in the ground.

The motion carried 5-2, with Mr. Quinn and Ms. Petersson voting nay.

CONDITIONS:

- 1. A right turn lane and bypass lane will be required from CSAH 20, as required by Olmsted County Public Works.**
- 2. Import of materials for processing be limited only to that necessary for the hot mix asphalt facility.**
- 3. A grading and drainage plan shall be provided to Rochester Public Works and approved for paving the primary access road, constructing the sedimentation basin, and related grading necessary to provide positive drainage to the sedimentation basin.**

Ms. Wiesner stated that the request would go before the City Council and that those that were previously notified would receive notices of that meeting.

Text Amendment #03-02 initiated by the City Planning and Zoning Commission, to amend Section 60.175 regarding Fees of the Rochester Zoning Ordinance and Land Development Manual. This amendment will adjust fees pertaining to zoning permits and development applications beginning 2003. Copies of the proposed fee schedule are available at the office of the Rochester Olmsted Planning Department, 2122 Campus Dr. SE, Suite 100, Rochester, Minnesota or on the web at: www.olmstedcounty.com/planning/rozncommission/proposed_fees.htm.

Mr. Larry Klemenhausen presented the staff report, dated March 20, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

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